IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22817 of 2004

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Between:

1 Y. Laxma Reddy, S/o. Ananta Reddy,
Kodakandla Village, Warangal District, A.P.
2 P. Satyanarayana, S/o. Narasaiah,
Kodakandla Village, Warangal District, A.P.
3 B. Prabhakar, S/o. Somaiah,
Kodakandla Village, Warangal District, A.P.
4 D. Ramesh, S/o. Somaiah,
Kodakandla Village, Warangal District, A.P.

..... PETITIONERS

AND

1 A.P. State Wakf Board, rep. by its Chief Executive

Officer, Nampally, Hyderabad, A.P.
2 The Inspector of Police, Uppal P.S., (Ghatkeshar

Mandal), R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondents in interfering the petitioners construction work without issuing any notice is illegal, arbitrary and unjust and consequently direct the respondents not to interfere in the petitioners construction work and pass such further other orders.

Counsel for the Petitioners: MR.G.RAVI MOHAN

Counsel for Respondent No.1: MR. A.M.QURESHI (SC FOR AP WAKF BOARD)

Counsel for Respondent No.2: G.P. for Home

The Court made the following :

ORAL ORDER:

The petitioners claim to be in occupation of an extent of 750 square yards in Sy.Nos.150 and 151 of Boduppal Village. They allege that the respondents are interfering with their possession as well as construction over the said land.

In the affidavit filed in support of the writ petition, title to the land in question is

traced from about 1950. According to the petitioners, there are disputes between the occupants of the land in Sy.Nos.150 and 151 on the one hand and the Wakf Board on the other. It is stated that the Revenue Divisional Officer, Ranga Reddy District, East Division, enquired the matter and submitted a report dated 20-11-2004 stating *inter alia* that the Wakf Board had no claim over any land. They submit that despite the same, the second respondent at the instance of the first respondent is interfering with their possession.

Heard learned counsel for the petitioners and Sri A.M. Qureshi, learned Standing Counsel for the Wakf Board.

Apart from several documents, the petitioners filed a letter dated 8-7-2004 addressed by the first respondent to the Mandal Revenue Officer, Ghatkesar. Through that letter, the first respondent requested the Mandal Revenue Officer to furnish the list of occupants of the land in Sy.No.150, admeasuring Ac.18.32 guntas, so as to enable him to take further action.

The Wakf Act 1995 (for short 'the Act') prescribes detailed procedure for removal of encroachments over the Wakf property. In case any encroachments are found on any Wakf land, the procedure prescribed under Section 54 of the Act has to be followed. As of now, the petitioners have not been issued any notice under that provision. Therefore, the apprehension of the petitioners cannot be said to be well founded. As and when any notice is issued to them under relevant provisions of the Wakf Act, by the first respondent, it shall be open to them to seek remedy as provided for, in law.

Accordingly, the Writ Petition is disposed of. No costs.

L. Narasimha Reddy, J.

9th December, 2004

Note: C.C. in 3 days.

B/o

Js.

To

1 The Chief Executive Officer, A.P. State Wakf Board,

Nampally, Hyderabad, A.P.
2 The Inspector of Police, Uppal P.S., (Ghatkeshar

Mandal), R.R.District.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

4 2 CD copies.